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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 08-1717

UNITED STATES OF AMERICA

v.

MELVIN STINSON,
a/k/a Tank

Melvin Stinson,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Crim. No. 2-07-cr-00170-1)

Before: SLOVITER, AMBRO, and JORDAN, Circuit Judges

O R D E R

After consideration of the Appellant's Petition for Rehearing and the brief of amici curiae in the above entitled case, and all of the judges on the panel who participated in the decision of this court in agreement, the petition for panel rehearing is granted. The panel's opinion and the judgment entered July 28, 2009 is vacated. The case shall be listed for panel rehearing on October 8, 2009 at 3:00 p.m. Any party who wishes to file a supplementary memorandum may do so not to exceed 10 pages, double spaced, on or before October 2, 2009.

By the Court

/s/ Dolores K. Sloviter
Circuit Judge

DATED: September 24, 2009
MB/cc: Maria M. Carrillo, Esq.
Robert A. Zauzmer, Esq.
Thomas F. Burke, Esq.
Sarah S. Gannett, Esq.